

Minutes of Meeting

8:30 A.M., Thursday, June 19, 2014
David C. Joseph Meeting Room
5550 Skylane Blvd., Suite A
Santa Rosa, CA 95403

Audio recordings of Board meetings are available at: www.waterboards.ca.gov/northcoast; go to the Board Info tab and click on Meetings.

i. Pledge of Allegiance

Board Member Noren led the Pledge of Allegiance.

ii. Roll Call and Introductions

Board Members present: John Corbett, David Noren, Geoffrey Hales, William Massey, Gregory Giusti and Valerie Minton

Regional Water Board staff present: Matt St. John, David Leland, Samantha Olson, Patti Corsie, Drew Bayless, Fred Blatt, Jeremiah Puget, Rachel Prat, Alydda Mangelsdorf, Jonathan Warmerdam, Mona Dougherty, Clayton Creager, Charles Reed, Stephen Bargsten, Rebecca Fitzgerald, Forrest Fortescue, Dean Prat, Diana Henriouille, David Kuzsmar, Cherie Blatt, Katharine Carter, Bryan McFadin, Craig Hunt, Maggie Robinson and Kason Grady

iii. Board Member Ex Parte Communication Disclosure

- William Massey met with Federal and State officials regarding West County sewer issues.
- Gregory Giusti spoke with Pete Cafferata, CalFire; Drew Coe, CalFire; Katie McGourty, National Marine Fisheries Service (NMFS); Wes Smith, NMFS ; Bill Stewart, U.C. Berkeley, Center for Forestry Co-Director, Gary Rynearson, Green Diamond Resource Company; Mike Jani, Humboldt Redwood Company (HRC); and Mike Miles, HRC regarding the draft Elk River TMDL.
- David Noren met with Federal and State officials regarding West County sewer issues. He met with Congressman Jared Huffman and Assemblymember Wes Chesbro regarding Salmonid protection issues. He also spoke with local officials regarding Sonoma County Central Landfill composting facility.
- Geoffrey Hales met with Humboldt Redwood Company and Green Diamond Resource Company representatives and interested public to discuss the draft Elk River TMDL.

v. Public Forum:

Comments were taken from:

- Robin Leler, Willits
- Cynthia Raiser, Save Our Little Lake Valley
- Madge Strong, Save Our Little Lake Valley
- Robert Gitlin, Public

Information Item

2. **Update on Coastal/Ocean Matters.** Catherine Kuhlman, Deputy Secretary of Ocean & Coastal Matters, California Natural Resources Agency, gave a presentation to the Board on the changes to the ocean's chemistry, sea level rise and extreme weather threatening coastal areas directly attributed to climate change and what the Regional Water Boards can do to protect the coastal and ocean ecosystems through regulatory and non-regulatory actions.

Comments were taken from:

- Brenda Adelman, Russian River Watershed Protection Committee

- v. **Public Forum continued:**

- Stu Clark, D. Edwards Inc.
- Henry Mikus, Sonoma County Waste Management Agency
- Roger Larsen, Happy Acres resident

- iv. State Board Liaison's, Board Chair's, Board Members', and Executive Officer's Reports:
The State Board Liaison, Steven Moore updated the Board on the following items:

- The Water Quality Coordinating Committee (WQCC) will be held October 1-3, 2014 in Sacramento, CA. focusing on strategic management and planning of stormwater and groundwater resources.
- The State budget passed both houses and is on Governor Brown's desk for approval.
- The State Drinking Water Program is now a division of the State Board as of July 1, 2014 with approximately 250 staff; all field offices and personnel will be fully maintained. The permits issued by the Drinking Water division are not appealable to the State Water Board unlike enforcement orders and any standards for public health protection which are appealable will go directly to the State Water Board;
- The State Water Board has been working on temporary urgency change petitions for water rights; most notably, the City of Montague has a temporary urgency change order for changing its point of diversion and place of use in the Shasta River basin, along with development of groundwater resources to insure that the community has water for health and safety.
- In May, the State Water Board has issued curtailment orders to post 1914 water right holders in the Scott River basin, Russian River basin upstream of Dry Creek, Sacramento River basin and San Joaquin River basin. The State Water Board has sent out notices to water right holders to self-certify that they stopped diverting water; and to date only 21 % have done so statewide. In the Russian River basin

over 50% and in the Scott River basin 13% have responded. Inspections have commenced and the Orders will be enforced.

- On May 21, 2014 the State Water Board has adopted emergency regulations that would require curtailments on water diversions if minimum flows in three Sacramento River tributaries are not met. The emergency regulations will establish drought emergency minimum flow requirements for the protection of specific runs of federal- and state-listed anadromous fish in Mill Creek, Deer Creek and Antelope Creek. The regulations provide the State Water Board with a more streamlined process to curtail diversions of water to prevent unreasonable diversion or use of water such that appropriate minimum amounts of water are available for: (1) senior water right users; (2) public trust needs for minimum flows for migration of State and federally listed anadromous fish; and (3) minimum health and safety needs.
- On June 3, 2014 the State Water Board adopted a Statewide Order authorizing the use of recycled water for beneficial uses such as irrigation of crops, dust control, and certain industrial processes. The Order allows the use of recycled water that meets the water recycling regulations and reuse criteria specified in California Code of Regulations, title 22, division 4, chapter 3 (hereafter title 22), with the exception of groundwater recharge activities. These regulations authorize the use of secondary- and tertiary-treated water pursuant to criteria set forth in the regulations. In addition, the order requires recycled water use to be consistent with existing State Water Board policies, Salt and Nutrient Management Plans, and the Regional Water Quality Control Boards' Water Quality Control Plans. When recycled water is used in compliance with title 22, it is protective of public health and safe for approved uses.
- Pursuant to Governor Brown's Executive Order signed on April 25, 2014, the State Water Board shall direct urban water suppliers that are not already implementing drought response plans to limit outdoor irrigation and other wasteful water practices such as those identified in the Executive Order. On May 23, 2014, the Water Board issued a survey to all urban water suppliers that submit Urban Water Management Plans (suppliers with over 3,000 service connections) on their actions to reduce water usage and the effectiveness of these efforts. Over 50% responded by the June 15, 2014 deadline. The State Water Board has directed staff to develop emergency regulations to help strengthen local agencies efforts for water conservation, especially with regard to outdoor irrigation. The emergency regulations will be up for adoption at the July 15, 2014 State Water Board meeting.
- On June 15, 2014 the First Appellate Court overturned the Mendocino County Superior Court ruling on diversions from the Russian River for frost protection in Sonoma and Mendocino counties and restored the State Water Board's regulations.
- AB2403 (Rendon and Mullin) clarifies parts of Proposition 218, which requires public agencies to put most fees and rate increases to a public vote. Proposition 218 drew a distinction between water supply and stormwater management, which was deemed a waste and pollution issue. AB2403 amends the law to include

stormwater and rainwater as a water supply issue rather than a water quality issue.

1. Approval of Meeting Minutes: May 7 & 8 , 2014

Motion: William Massey moved to adopt the May 7 & 8, 2014 Minutes, David Noren seconded the motion, motion passed unanimously.

Uncontested Items

3. Public Hearing on Order No. R1-2014-0029 to consider adoption of proposed Waste Discharge Requirements for the Town of Fort Jones Wastewater Treatment Facility, WDID No. 1A81157OSIS.

4. Public Hearing on Order No. R1-2014-0003 to consider adoption of proposed Waste Discharge Requirements and termination of NPDES Permit No. CA0005843 for Mendocino Forest Products Ukiah Sawmill, WDID No. 1B80051OMEN.

Motion: John Corbett moved to adopt Items 3 and 4 and William Massey seconded the motion, motion passed unanimously.

Information Item

6. Discussion with Board Members on Draft Elk River Total Maximum Daily Load. Matt St. John, Executive Officer, Alydda Mangelsdorf, Senior Environmental Scientist, Planning Unit and Adona White, Water Resource Control Engineer, Planning Unit gave an overview and update on the outreach efforts, TMDL revisions, review of policy questions posed to the Board, along with recommended short and long term goals for the Upper Elk River watershed. Board members Corbett, Noren, Massey, Hales and Giusti commented on the policy issues.

Comments were taken from:

- Gary Rynearson, Green Diamond Resource Company
- Mike Miles, Humboldt Redwood Company
- Jesse Noell, Elk River resident
- Janet Parrish, U.S. EPA
- Kristi Wrigley, Elk River resident

Action Item

5. **Public hearing to consider Resolution No. R1-2014-0009 for the adoption of the Amendment to the *Water Quality Control Plan for the North Coast Region (Basin Plan) Regarding Onsite Wastewater Treatment System (OWTS)***

Implementation.Program . Jeremiah Puget, Environmental Scientist, Planning Unit, gave an overview of the OWTS Policy and structure. Rachel Prat, Environmental Scientist, Core Regulatory Unit, gave a presentation on the implementation status, outreach and next steps.

Comments were taken from:

- Ted Walker, California Environmental Health Association

Motion: William Massey moved to adopt and David Noren seconded the motion, motion passed unanimously.

Information Item

7. **Update on the Wood for Salmon Working Group.** Jonathan Warmerdam, Environmental Scientist, NPS and 401 Unit, gave an overview of logging practices from 1850's to present, the benefits of instream wood for salmonids, the State and Federal agencies, non-governmental organizations, non-profits, consultants and stakeholders who make up the Wood for Salmon Working Group and their priority recovery actions of reintroducing large woody material, remove barriers to migration, secure instream flows, control erosion and sedimentation, and restore riparian function, along with objectives to understand the permitting process, to conduct outreach and education, to develop guidance and tools, to improve, align and consolidate permitting, to support new restoration pathways and secure funding assistance.

Comments were taken from:

- Jonathan Ambrose, National Marine Fisheries Service
- David Wright, Campbell Global, LLC

8. **Executive Officer's Report.** The Executive Officer, Matt St. John updated the Board on the following issues:

- Craig Hunt, Senior Water Resource Control Engineer, Cleanup Unit has been promoted to Senior of the Cleanup Unit.
- A Joint Board meeting with Board of Forestry (BOF) will be held on September 23 & 24, 2014 in Fort Bragg, CA.

On September 23, 2014 the following topics will be discussed:

- Overview of each Board's authorities, areas of overlap and identifying any potential gaps needing to be resolved;
- Discussion of cumulative watershed effects and how to address those through adaptive management and robust monitoring.

On September 24, 2014 the Boards will tour the Jackson Demonstration State Forest, Fort Bragg, CA.

- In the new fiscal year beginning July 1, 2014 Region 1 will be hiring new staff in the following units:
 - 1 position in the Timber Unit;
 - 2 positions in the 401 Unit;
 - 4 positions in the Land Disposal/Grants/Enforcement Unit associated with a new cannabis cultivation regulatory program.

9. **Board Member Requests for Future Agenda Items.**

- Vice Chairman Noren requested an update on the Klamath Fish Health Assessment Team (KFHAT) process for this year.

10. **Other Items of Interest.** No items were discussed.

11. **Closed Session.** There were no reports from closed session.

12. **Arrangements for Next Meeting and Adjournment**

1:00 P.M., September 23, 2014, Town Hall, 363 N. Main Street, Fort Bragg, CA.

8:00 A.M., September 24, 2014, Jackson Demonstration State Forest, Fort Bragg, CA

Meeting adjourned at 4:45 pm.

Chairperson_____

Date_____